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March 20, 2022

Hon. Ona T. Wang
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: National Coalition on Black Civic Participation v. Wohl
(S.D.N.Y. No. 20-cv-08668-VM)

Dear Judge Wang:

This Firm represents Defendants Robert Mahanian and Message Communications, Inc. (together, “Message Communications”) in the above-named action. As Your Honor may recall, Message Communications is the internet platform – see www.messagecommunications.com – that was used to broadcast the prerecorded voice message via voice over internet protocol (“VoIP”) which is at issue in this case.

We write in response to the Letter Motion from Marc Epstein of the Lawyers’ Committee requesting to extend the discovery period in this matter. As Mr. Epstein correctly represented, Message Communications does not have any objection to an extension of the discovery period as between Plaintiffs, on the one hand, and Defendants Jacob Wohl, Jack Burkman, Burkman and Associates and Project 1599, on the other hand. (See D.E. 178 at 1 n.1.) And, as the letter from Mr. Epstein noted, the Plaintiffs are not seeking an extension of the discovery period as to Message Communications. (See id.)

However, because of the potentially-ambiguous use of the term “Defendants” in Mr. Epstein’s letter, we thought it appropriate to write to Your Honor to clarify and request that any Order extending discovery should not extend the fact discovery period for “fact discovery involving [Defendants] Mr. Mahanian and Message Communications.” (D.E. 178 at 1 n.1.)

Thank you for your attention to this matter.

Respectfully Submitted,

Russell D. Morris